

APPENDIX A

CONFIDENTIAL RECORD SHEET

REGISTRATION SERVICE
BOY SCOUTS OF AMERICA

Date 1-31-89

Social Security Number ?

Full name DONALD R. BABYAK
(No initials if you can possibly get full name)

Address [REDACTED]

City STAMFORD State CT ZIP 06902

Date of birth 10/59 (This is important and should be exact.)

Approximate age 30 (To be used ONLY when date of birth is not known.)

Religion PROTESTANT Nationality AMERICAN

Occupation CONSTRUCTION - ELECTRICIAN

Education HIGH SCHOOL

Weight 195 APP Height 5FT 11 1/2 IN Race WHITE

Color of hair BLOND Color of eyes P

Outstanding characteristics or interests BIG SHOULDERS - CHEST

Married or single SINGLE Children _____
(Number, ages, and names, if possible)

Spouse's name _____

Scouting connections:

Unit No. City State Position Date registered Date resigned

10-010000 T-10 GREENWICH, CT. SM 10/88 1-30-89

Special Recognition _____

Suspended or denied registration for following reasons: COMPLAINTS OF SEXUAL ABUSE

SPECIFY THE FACTS THAT LEAD YOU TO RECOMMEND DENIAL OF REGISTRATION, AND LIST ATTACHED SUPPORTING DOCUMENTS (STATE ONLY KNOWN FACTS, NOT RUMOR, CONJECTURE, OR SPECULATION):

Signed John A. Fisher

Scout Executive

Council

#67

February 29, 1989

READY FOR FILE

FEB 28 1989

Mr. John A. Fahey
Scout Executive
Greenwich Council, No. 67

PERSONAL AND CONFIDENTIAL

SUBJECT: DONALD R. BABYAK

Dear Jack:

Thank you for the detailed information sent concerning the above Scouter. This case has been reviewed with our attorney and is now on our permanent Confidential File.

Sincerely,

Paul Ernst, Director
Registration Service

je
cc: Northeast Region

CONF018033



Greenwich Council, No. 67 — Boy Scouts of America

63 Mason Street, Greenwich, Conn. 06830-5368

Telephone: 203-869-8424

DONALD R. BABYAK

January 31, 1989

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COUNCIL TRUST OFFICER

Warren J. Dennison

Mr. Paul Ernest
National Director Of Registration
National Council, Boy Scouts of America
1325 Walnut Hill Lane
P.O. Box 150279
Irving, TX 75015-2079

Dear Paul:

Here is all of the information I have on the subject you
and I talked about a few days ago.

Everything has been done on this end that should be done.

Thanks for all of your help.

Sincerely,

John A. Fahey
John A. Fahey
Scout Executive

JAF/myr

Enclosure:



A UNITED WAY AGENCY

CONF018034

ADULT APPLICATION

PLEASE PRINT ONE LETTER IN EACH SPACE—
PRESS HARD, YOU ARE MAKING THREE COPIES.

FIRST NAME AND INITIAL

LAST NAME

D O N A L D B A B Y A K

ADDRESS—STREET OR R.F.D.

DATE OF BIRTH

POSITION

1 1 0 9 5 9 S M

ADDITIONAL ADDRESS INFORMATION (if necessary)

MONTH DAY YEAR CODE

BOYS' LIFE

CHECK ONE

SEX

☐ NEW LEADER☒ FORMER LEADER

M

CITY

STATE

ZIP CODE

S T A M F O R D C T 0 6 9 0 2

CIRCLE B OR H

H 6-13-88 Boy Scout FAIRFIELD (STAMFORD)

PHONE

DATE

PREVIOUS SCOUTING BACKGROUND

COUNCIL

ELECTRICIAN

Donald R. Babyl

OCCUPATION, EMPLOYER, AND BUSINESS ADDRESS

SIGNATURE—SEE COVER

REGISTRATION FEE

BOYS' LIFE FEE

TERM (MONTHS)

UNIT RENEWAL DATE

\$. 0 7 1 2 8 8

MONTH YEAR

APPROVAL—SEE COVER



If applicant has an unexpired membership certificate, registration may be accomplished in this unit by a payment of 50 cents for processing the transfer. Check the box and attach certificate. It will be returned by the council.

FOR COUNCIL USE:
TRANSFER FROM

COUNCIL

NAT'L/UNIT NO.

MEMBER ID NO.

LOCAL COUNCIL COPY



Greenwich Council, No. 67 — Boy Scouts of America

63 Mason Street, Greenwich, Conn. 06830-5368

Telephone: 203-869-8424

January 26, 1989

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COUNCIL TRUST OFFICER

Warren J. Dennison

To Whom It May Concern:

On January 24, 1989, at approximately 3:00 p.m., [REDACTED] of Stamford, came to see me concerning her [REDACTED] Donald Babyak, who is the Scout Master of Troop #10, sponsored by the Diamond Hill Methodist Church in Cos Cob.

She was very concerned about her [REDACTED]. She mentioned a violent temper, also that he keeps guns at his house, he's single, but, above all, she mentioned that he has molested her [REDACTED] 11 year old [REDACTED] his own nephew. She claims he has taught him some bad habits and he likes very much to be around children. She seems very concerned that some of the things he's probably done to her son could very well happen with the other boys in his Troop - that is Troop #10.

She was very reluctant about coming to me. She said she has known about this for quite some time, about his tendencies. She said his mother, whom he lives with, knows about it and knows he needs help. Her husband who is [REDACTED] his brother, has constantly encouraged the mother to seek medical assistance or psychiatric assistance of some kind, but the mother refuses to do so - as a matter of fact she completely erases this from her mind - that it's not even happening.

I asked [REDACTED] if she was aware of his having molested any of the Scouts in the Troop or in the Cub Scouts and she said she is not aware of this and has not heard anything to that fact. I asked her if there are any other people within the Troop who know about this and she said "yes" and mentioned



A UNITED WAY AGENCY

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a [REDACTED], a [REDACTED] and [REDACTED] all who have sons about the same age, that is 11 years of age, in the Troop. I asked her if any of these boys have been molested or harmed by her brother-in-law and she said not that she is aware of but, she said these people do know because of what she told them and they have always been present at the Troop meeting or on the camping trips so there has always been an adult present. Again I asked if she was aware of any of this going on in the Troop and she again emphatically said no, she is not aware of any of this going on in the Troop. There are no complaints brought forth from the parents.

[REDACTED] definitely thinks he needs medical help. She said he used to work for his brother, her husband. They're in the construction business. Her husband fired him because of his violent temper. In some cases the brother had caught him arguing with his customers causing some of his customers to shy away from using them for the construction work. He no longer works for his brother. Again, he lives with his mother and his mother knows of his problems.

I told [REDACTED] that I would have to report this and that it would probably mean that her brother-in-law would be asked to leave the Troop. I said this matter has to be taken care of immediately because if she is aware of some of these things that have been going on with her son such as demanding that the son, when he has been babysitting for them, take a bath before he goes to bed and he has even taught her son bad habits, sexually. She said she didn't know how far it would go but felt it was her duty to let me know about this. She said again she had known about it for quite sometime but just did not have courage to approach me on it.

She also mentioned that she's very much afraid of him. She's afraid of his temper, she has fear of the guns. I asked her if he has ever threatened her. She said no but they have had some very serious, violent arguments, as well as he has had arguments

with his brother and she just doesn't know how he would react if he were to find out, that is Don, were to find out that she was the one to make the complaint concerning his sexual behavior.

I told [REDACTED] to please keep this a secret; not to talk to people about it and that I would get back to her. She did not want to put anything in writing. Again, she was afraid that the complaint would find its way back to her and her family and he might bring harm to them. I told her that I would be in touch with her again and that we would take it from here.

After [REDACTED] left I immediately called Paul Ernst. Paul is the National Director of our membership service at the National Office in Dallas, Texas. I talked with him at some length concerning this and he suggested that I call the minister of the Diamond Hill Church that sponsors the Troop and ask him if he is aware of any problems or any parents complaining to him concerning any actions in the Troop. I did. The minister was not aware of this. I did find out in my investigation, being that he lives in Stamford, he is a member of the Stamford First Presbyterian Church, that is Donald is a member of that church, and that he has been going to counselling with that minister. So, there very definitely is a problem, I guess. I asked the minister of the Diamond Hill Methodist Church if he would contact the minister of the First Presbyterian Church in Stamford, or at least find out who he is for me, and ask him if we could talk with him concerning Donald Babyak. The minister of the Diamond Hill Methodist Church who sponsors Troop #10 got back to me today and said that the minister at the First Presbyterian Church in Stamford is on a vacation for a week. I don't feel, personally, that we should wait any longer so I again called Paul Ernst at National Office today and told him that I cannot sit any longer and wait on this I must move at least to remove him from the Troop as Scout Master and follow the regular procedures that are outlined in the Procedures for Maintaining Standards of Membership put out by the Boy Scouts of America. Paul suggested that I immediately call our legal advisor.

I contacted Charlie Mosher's office this day, 1-26-89, and found him to be on vacation. He'll be gone for a week. I then called another attorney who is a member of our Board, Arthur Duel, III, and explained the situation to him, what I had done and I asked him what the procedure is to follow as far as the State of Connecticut is concerend. He told me that he would get back to me immediately. He would look up the record to find out just what the State of Connecticut procedure would be.

The evening of 1-24, the day that [REDACTED] came in to see me, her husband, I believe his name is [REDACTED], called me at home at approximately 8:00 p.m. and reemphasized the conversation that his wife had with me. Again, he was fearful that his brother would find out and probably do harm to his wife and family. I asked him if he was afraid of his brother. No, he said, I'm not afraid of my brother it's just that I know he has a violent temper and I know if this gets out that we were the ones who let the word out, he could probably be harmful. I assured him that this would be kept very confidential. That the name of his wife, family or himself would never be mentioned to Donald and as far as we're concerned, he would have no way of knowing who had made the complaint. The brother again emphasized a very violent temper and again he stressed possibly the mental damage that has been done with his son. He also mentioned another son in the family and it's going to take a little while for them to undo what his brother has done to his family.

Knowing all of this and having consulted with our Council President, William M. Burke on 1-25-89, and our new Council Commissioner who just took office on 1-26-89, outside of the parents of Babyak and the Council President, Council Commissioner, District Executive and our legal advisors and myself, there is no one else who knows of this.

As of this date, 1-26-89, approximately 2:30 p.m., I am waiting for a call back from our legal advisor, Arthur Duel, III, as to our next step. In the meantime I'm dictating a letter that will be

signed by the President, William M. Burke and myself and hand-delivered to Mr. Donald Babyak informing him that he is cease any relations that he may have with the Boy Scouts of America.



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COUNCIL TRUST OFFICER

Warren J. Dennison

January 26, 1989

On 1-26-89, approximately 2:30 p.m., our legal advisor, Arthur Duell, III, contacted me concerning the State laws regarding child molestation and informed me that I should immediately call Amy Wheaton at the Department of Children and Family Services in Hartford, Connecticut. I was informed there that this would be handled out of the Bridgeport office and was told to contact a Mr. Robert Frances, the Director, at [REDACTED] in Bridgeport, Connecticut, telephone number [REDACTED].

At approximately 3:00 p.m. I contacted the Bridgeport office, that is the office of Mr. Frances. He was not available and I left word and my telephone number at [REDACTED] to have him call me back as soon as possible as I have an urgent matter to discuss with him. I am, at this time waiting for a call back from Mr. Frances to proceed further.

At approximately 4:45 on 1-26-89, Mr. Frances from the State Youth Bureau called me. I explained the situation to him concerning Donald Babyak. He told me that this would be handled by the Stamford office and that I should call a Mr. Mike Steirs at [REDACTED] and that they would assign someone to immediately follow through on this matter. He also told me that the Council had done exactly what was right within the 76 hour period of notifying the State of Connecticut and that we should go ahead and proceed with our own procedure in picking up his registration. Being it was near 5:00 p.m.

-cont.-



A UNITED WAY AGENCY

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Mr. Frances though it would be best to call Mr. Steirs tomorrow morning which would be the morning of 1-27-89, and relate the same story to him concerning the allegations. This will be done.

Date

John A. Fahey, Council Executive



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COUNCIL TRUST OFFICER

Warren J. Demmon

January 27, 1989

On 1-26-89, after contacting Robert Frances at the Bridgeport office of the Commission of Children and Youth Services concerning the incident with Donald Babyak, he referred me to the Stamford office to Mike Steirs at [REDACTED]. I called that number this morning, 1-27-89. Mr. Steirs is out and will not be back in until Monday. There was no one present at the moment other than the secretary to take any information. I did not give her the full story. I thought it best that I talk directly to one of the professionals who work there, however, I did explain to her that she should make sure that she has on the docket that I did call in this morning to speak to Mr. Steirs concerning an incident with one of our youth and to have Mr. Steirs get back to me either at my home or at my business as soon as possible. That's where this stands at this point.

At this time, 1-27-89, I am having a letter typed from the National Office, as recommended, which I will have the President, Mr. Burke, sign and the two of us will hand deliver that letter to the Scout Master, Mr. Donald Babyak, today, removing him as Scout Master until such time as these matters are either cleared up or confirmed.

Also, I want to report that as of 1-26-89, approximately 9:00 p.m., Rolande Moore, the Area Director of the Northeast Region reached me at home following through on my telephone call to him earlier. I explained the complete situation to him and we both agreed that all measures of precaution had been taken and to follow through on the procedure of delivering



A UNITED WAY AGENCY

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1-27-89

(2)

the letter to the Scout Master and letting the State handle the matter from here.

At approximately 2:00 p.m., 1-27-89, I had a call back from a Liz DeVito of the Department of Children Youth Services in Stamford at [REDACTED]. She was assigned to the job of working with the complaint that I filed with the State on the Donald Babyak situation.

I explained to her as much as I knew which is right here documented in the file in my office about [REDACTED], the sister-in-law, coming to me and confirming the fact that her [REDACTED] Donald, who is the Scout Master of Troop #10, has sexually abused her [REDACTED] especially the 11 year old [REDACTED]. She was afraid, of course, that this could move on to the boys in the Troop. At this point there are no charges or indication that he has done anything with the boys in the Scout Troop.

Liz DeVito told me that she or another Social Case Worker would be in touch with [REDACTED] to work with them in helping them deal with the problem with their children. The Social Services Department itself would not interview or talk with the perpetrator. That is something that they don't do. Again, this is all held top secret, confidential. It will just be between the family and the Department of Youth Services of the State of Connecticut.

At the suggestion of Liz DeVito, I then called [REDACTED] at work where she is the secretary at Cos Cob School and told her that the Department of Children Youth Services would be in touch with them shortly on this matter just to kind of open the door. She was very pleased that I did call and she again said, "oh Mr. Fahey, no way will he find out it was us?" I told her that no, he wouldn't. She said,

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"because I'm so afraid of his temper." I said, no he will not know. So, that is where we stand at this point. I'll be picking up the letter from the President very shortly. We hope to meet this day with Donald Babyak and present him with the letter requesting him to leave all activity with Scout Troop #10 sponsored by Diamond Hill Methodist Church.

At approximately 4:30 p.m. Mr. Donald Babyak met with me and Tom Greco, our Council Commissioner who is one of our Council Officers. Behind closed doors we presented Donald Babyak with the letter from our Council President, Mr. William M. Burke informing him that he is, as of this moment, removed from his position as Scout Master of Troop #10, sponsored by the Diamond Hill Methodist Church and also removed from all Boy Scouting Council files.

He did ask why and we told him that the Boy Scouts of America have some very stringent qualifications on leadership and our investigation at this time showed he did not measure up to some of those qualifications. He accepted that and gave me the keys to the church and he was informed again, by me, that he was to have nothing at all to do with Scouting.

I informed him that, if he wanted to take this further all he had to do was follow the instructions attached to the letter signed by the President. He left the office immediately.

I immediately informed the Council President, Mr. William M. Burke, who was tied up in a very important business meeting, of what we had done.

I then called the Reverend Ed Deyton, the minister of the Diamond Hill Methodist Church in Cos Cob and reached him on his machine. I left word of what we had done and told him as the head of the institution that sponsors this Troop that he should notify the Troop Committee immediately that the Scout Master has been removed and that they should take over running the Troop until a new Scout Master is selected. No


1-27-89

(4)

further reason was given for this.

Tuesday morning, at approximately 9:00 a.m., I returned a phone call to Mr. Steirs, of the Children's Youth Bureau in Stamford at which time he informed me that the case of Donald Babyak will be given to the local police department and that his department will work with the [REDACTED] family involved.

All of the reports that I have written on this matter have been forwarded to Mr. Paul Ernst, Director of our National Boy Scout Membership Department at the National Office in Dallas, Texas, informing Mr. Ernst that the name of Donald Babyak be placed on the confidential file of the Boy Scouts of America.



CONF018046



Greenwich Council, No. 67 — Boy Scouts of America
63 Mason Street, Greenwich, Conn. 06830-5368
Telephone: 203-869-8424

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COUNCIL TRUST OFFICER

Warren J. Dennison

January 27, 1989

**COPY FOR YOUR
INFORMATION**

Mr. Donald Babyak

[REDACTED]
Stamford, CT 06902

Dear Mr. Babyak:

After careful review, we have decided that your registration with the Boy Scouts of America should be suspended. We are therefore compelled to request that you sever any relations that you may have with the Boy Scouts of America.

You should understand that BSA membership registration is a privilege and is not automatically granted to everyone who applies. We reserve the right to suspend registration whenever there is a concern that any individual may not measure up to the high standards of membership the BSA seeks to provide for American youth.

If you wish to have this decision reviewed, please write to me within sixty (60) days from the date of this letter, explaining your version of the facts supporting your claim that your registration as a BSA member should be granted or reinstated. The procedures for review are attached.

Sincerely yours,

William M. Burke
Council President

WMB:jaf

enclosure



A UNITED WAY AGENCY

CONF018047

THE APPLICANT PROCEDURE FOR
REQUESTING REVIEW OF DECISION DENYING REGISTRATION

1. If registration is refused, the applicant may request a review of this decision. This request must be in the form of a written request from the individual which includes his version of the facts supporting the claim that registration should not have been denied.
2. Upon receipt of the written Request for Review, the President of the Local Council shall appoint a committee to review the situation.
3. The appointed committee should review the facts as presented, and in addition, may interview any persons whose testimony might assist the committee in discovering the truth and arriving at a correct decision.
4. A confidential report will be given to the applicant setting forth the decision of the committee.
5. The applicant may - if he does not agree with the decision - request a review from the Regional Director by submitting a written request for such a review within thirty (30) days of the receipt of the Local Council decision.
6. If the Regional Review does not satisfy the applicant, he may ask for further review by the National Council by submitting a written request for such a review within thirty (30) days of the receipt of the Regional decision. The decision by the National Council is final.

WATS CALL FORM

CALL BACK REQUESTED _____

COUNCIL # 67

PHONE NO: _____

CALLER: JACK FAHEY

POSITION: JE

TYPE OF PROBLEM

REGISTRATION _____

VETERANS _____

EXPLORING _____

SCOUTING _____

BOYS' LIFE _____

UNIT #

DIST. #

EXP. DATE

TRANSMITTAL #

FILM #

DONALD R BABYAK B/Y 11/59

SM

29 YRS OLD

SOOIA ID# 010292

SINGLE

DIAMOND HILL

METHODIST CHURCH

C 3010-003933

SOOIA-010292

per Mr. Ernst do not add to file yet
1-25-89

*Added to CF file
Deleted from per file
2/6/89
cm*

NAME PE

DATE 1-24-89

TIME _____